

1733  
6



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#20/1602

Certificate of Mailing  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

4/26/02

*J. Harold Nissen*  
J. Harold Nissen  
Dated: 3/20/2002

Applicant hereby petitions that any and all extensions of the term necessary to render this response timely be granted. Costs for such extension(s) and or any other fee due with this paper, not fully covered by an enclosed check may be charged to Deposit Account #10-0100.

Customer No.: 30294  
Docket No.: DRAGO.P-86RE  
Inventor(s): MARCELLO TONCELLI  
Serial No.: 09/369,570  
Filed: AUGUST 6, 1999  
Examiner: J. AFTERGUT  
Art Unit: 1733  
Title: A PROCESS FOR THE PRODUCTION OF REINFORCED  
SLABS OF STONE MATERIAL

RECEIVED  
MAY 29 2002  
TC 1700

Assistant Commissioner for Patents  
Washington, D.C. 20231

04/15/2002 08:10:00 00001001 000000 09359570  
00 000000 100.00 00

**INFORMATION DISCLOSURE STATEMENT**  
**Supplemental Paper After Final**

Hon. Sir:

Submitted herewith are:

Serial No. 09/369,570  
DRAGO.P-86RE

March 20, 2002

1- U.S. Patent No. 4,612,214

2 - WO 91/09733 (International Patent Application

PCT/US90/07654).

Serial No. 09/369,570  
DRAGO.P-86RE

March 20, 2002

REMARKS

These two publications are being brought to the attention of the Examiner because the owner of the present Reissue Application is engaged in a litigation in Italy, and these were brought to his attention in the Italian litigation.

Both of these publications were available prior to the filing of the basic Italian application on which this application is based.

These two publications have been carefully considered and they are not considered pertinent to the claims of this application, nor to the claims of the original patent which issued on the first-filed U.S. application.

These publications are being brought to the attention of the Examiner and the U.S. Patent Office to comply with the duty of disclosure.

Reference is now made to U.S. Patent No. 4,612,214.

Patent No. 4,612,214 relates to a method for coating slabs of natural or artificial stones, wherein the resin used for reinforcing the rear face of marble or granite slabs consists of a curable mixture comprising an epoxy

March 20, 2002

resin and a curing agent. The latter in fact has a specific composition permitting the epoxy resin to be applied to slabs having surfaces still wet or moist (as, for instance, those coming from the sawing step), without the need to previously dry the surface to which the resin must be applied.

In the specification and in the claims, it is stated that the reinforcing layer of resin is added with at least a filler and/or a reinforcement, which in the claim 13 is said to be glass fiber or a glass fiber fabric. The nature of this filler or reinforcement is discussed in the paragraph in the column 6, lines 11 to 16. More specifically, as the filler or reinforcing material there are mentioned *"finely divided sands, metals, in chips or powder form, organic or inorganic fabrics or fibers such as textile fibers or natural or synthetic fibers, asbestos, glass staple fibers or glass fiber fabric"*. Thus it is undeniable that this prior document teaches generically glass among many other materials and does consider glass fiber fabrics or glass staple fibers fully equivalent for the stated purpose, whereas in the Toncelli invention the non twisted nature of the linear reinforcing elements is an essential feature. Another important point of this prior reference is that nowhere is mention

March 20, 2002

made of the ratio between hardenable resin and glass non twisted threads or filaments.

With reference to WO 91/09733, this corresponds to PCT/US90/67654, and no copy of a U.S. patent which may have issued on this application is enclosed. It is submitted that the publication enclosed is sufficient to satisfy the duty of disclosure. Also, for the sake of accuracy, it is the WO 91/09733 publication which was brought to applicant's attention and not the U.S. counterpart.

The WO 91/09733 discloses a method for the manufacturing of a stone faced composite surface element wherein to at least one surface, preferably both surfaces, of a stone slab there is applied a resin impregnated fibrous matting to which then a backing layer is applied the latter being preferably a honeycomb light weight structure, and then the resin is cured and lastly the stone slab is sawed to leave a thin lamina attached to the backing element.

According to the specification, the fibrous matting may comprise an open weave glass fiber matting or a carbon matting. In this case also, no

Serial No. 09/369,570  
DRAGO.P-86.RE

March 20, 2002

mention or even suggestion is given about the non twisted nature of the glass fibers nor about the wight ratios between the glass fibers and the resin.

Clearly, the claims in the present Reissue Application are patentable in view of the disclosures of these two publications.

It is readily understood that these prior art references only generically disclose the possibility of reinforcing slabs of stone material by applying to at least one surface thereof a reinforcing layer consisting of a hardenable resin and of a reinforcing fibrous material.

The features of Toncelli's invention as set forth in the Reissue Application are patentably distinguished, and by which relevant improvements of the mechanical properties of the final slab are obtained are never disclosed nor even suggested in either of the references.

Therefore, it is respectfully submitted that this application is now in condition for allowance, and such action is courteously and respectfully solicited.

If there are any points outstanding, the Examiner is asked to call

Serial No. 09/369,570  
DRAGO.P-86.RE

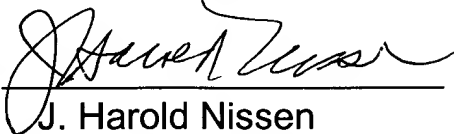
March 20, 2002

applicant's attorney, at 914-723-4300, to do what is necessary to place this application into condition for allowance.

If any expenses or fees are necessary, please charge our deposit order account number 10-0100.

Respectfully submitted

LACKENBACH SIEGEL

BY: 

J. Harold Nissen  
Reg. No. 17, 283  
Customer No. 30294

JHN/ela  
Dated: March 20, 2002  
One Chase Road  
Scarsdale, New York 10583  
914-723-4300

Enclosures:  
U.S. Patent No. 4,612,214  
Int'l Patent Application WO 91/09733  
PTO/SB/80A [IDS] Form  
Stamped return post card

O:\1 Documents\2002\Dragotti.Saic\Edie\3.20.02.P-86RE.IDS.wpd